

**Draft "Treaty
on the Establishment
of Relations
of Equal Right between
the German Democratic Republic
and the
Federal Republic of Germany"
submitted by the GDR**

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of Equal Right between
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Germany (Democratic Republic, 1949-)



VERLAG ZEIT IM BILD DRESDEN

Content

1. Draft "Treaty on the establishment of relations of equal right between the German Democratic Republic and the Federal Republic of Germany" 5
2. Letter addressed by Walter Ulbricht, Chairman of the Council of State of the German Democratic Republic, to Dr Gustav Heinemann, Federal President of the Federal Republic of Germany, on 17 December 1969 8
3. Letter addressed by Dr Gustav Heinemann, Federal President of the Federal Republic of Germany, to Walter Ulbricht, Chairman of the Council of State of the German Democratic Republic, on 19 December 1969 9
4. Statement made by Dr Rudolf Agsten, Chairman of the Foreign Affairs Committee of the German Democratic Republic, on 17 December 1969 11
5. Decision of the 15th Session of the People's Chamber of the German Democratic Republic on the Report Given by the Chairman of the Foreign Affairs Committee, 17 December 1969 16

TREATY

DRAFT

on the establishment of relations of equal right between the German Democratic Republic and the Federal Republic of Germany

The Chairman of the Council of State of the German Democratic Republic and the President of the Federal Republic of Germany.

guided by the endeavour

to make an effective contribution to détente and to safeguarding peace in Europe,

to gradually reduce tension between the two German states, to bring about between them a regulated living-together and good-neighbourly relations as between sovereign states with equal rights, to promote the creation of a system of European security, have resolved

to conclude a Treaty on the establishment of relations of equal right between the German Democratic Republic and the Federal Republic of Germany, and

have appointed as their Plenipotentiaries, the Chairman of the Council of State of the German Democratic Republic:

Herr Willi Stoph, Chairman of the Council of Ministers,
Herr Otto Winzer, Minister of Foreign Affairs;

the President of the Federal Republic of Germany:
Herr Willy Brandt, Federal Chancellor,

Herr Walter Scheel, Federal Minister of Foreign Affairs,

Who, having exchanged their full powers found to be in good and due form, have agreed on the following provisions:

Article I

The High Contracting Parties shall agree on the establishment of normal relations of equal right, free of any discrimination, between the German Democratic Republic and the Federal Republic of Germany on the basis of the generally accepted principles and norms of international law.

Their mutual relations shall in particular rely on the principles of sovereign equality, territorial integrity and inviolability of state borders, non-interference in internal affairs, and mutual benefit.

Article II

The High Contracting Parties shall mutually recognize their present territories within the existing borders and the latter's inviolability. They shall recognize the European borders which came into being as a result of the Second World War, in particular the border between the German Democratic Republic and the Federal Republic of Germany as well as the border on the Oder and Neisse rivers between the German Democratic Republic and the Polish People's Republic.

Article III

The High Contracting Parties undertake to renounce the threat or the use of force in their mutual relations and to settle all disputes with each other in peaceful ways and by peaceful means.

The two Parties undertake to refrain from any action running counter to the stipulations of Article I or discriminating against the other Party to this Treaty, to repeal without delay laws and other normative acts running counter to this Treaty, and to have corresponding judicial decisions revised. They shall also in future refrain from any discrimination against the other Party to this Treaty.

Article IV

The German Democratic Republic and the Federal Republic of Germany shall renounce to obtain nuclear weapons or to have control of them in any form. They undertake to plead for the holding of negotiations on disarmament. Neither chemical nor biological weapons shall be allowed to be produced, stationed or stored on the territories of the two German states.

Article V

The German Democratic Republic and the Federal Republic of Germany shall establish diplomatic relations with each other. They shall be mutually represented by embassies in the capitals of Berlin and Bonn.

The embassies shall enjoy all privileges and immunities under the Vienna Convention on Diplomatic Relations of 18 April 1961.

Article VI

Relations in partial fields shall be contracted separately.

Article VII

The German Democratic Republic and the Federal Republic of Germany undertake to respect the status of West Berlin as an independent political entity and to regulate their relations with West Berlin taking account of this status.

Article VIII

The German Democratic Republic and the Federal Republic of Germany shall, in accordance with the principle of universality of the United Nations Organization, apply without delay for their admission as full-fledged members to the United Nations Organization. They shall work for other states to support the admission of both German states to the United Nations Organization.

Article IX

The Treaty shall be concluded for a term of 10 years. It shall be subject to ratification and shall enter into force one month after the instruments of ratification have been exchanged.

This Treaty shall, under Article 102 of the United Nations Charter, be handed to the Secretariat of the United Nations Organization for registration.

For the	
German Democratic Republic	For the
	Federal Republic of Germany

Letter addressed by Walter Ulbricht, Chairman of the Council of State of the German Democratic Republic, to Dr Gustav Heinemann, Federal President of the Federal Republic of Germany, on 17 December 1969

Berlin, 17 December 1969
The Chairman of the Council of State
of the German Democratic Republic

Dr Gustav Heinemann
Federal President of the Federal Republic of Germany

Mr. President,

Guided by the will to help safeguard peace in Europe and to make possible the establishment of relations on an equal footing between the German Democratic Republic and the Federal Republic of Germany, these relations being governed by the principles of peaceful coexistence, I have sent this message to you.

If the two German states are to live peacefully side by side in an atmosphere of good neighbourliness, their relations must be based on the generally accepted standards of international law. This would promote a relaxation of tension in the heart of Europe, for which the German Democratic Republic and the Federal Republic of Germany bear a particularly high degree of responsibility with regard to their own citizens and to the peoples of this continent.

Allow me, therefore, to submit to you the enclosed draft "Treaty on the establishment of relations of equal right between the German Democratic Republic and the Federal Republic of Germany", which has been endorsed by the Council of State of the GDR.

I have authorized Herr Willi Stoph, Chairman of the Council of Ministers of the GDR, and Herr Otto Winzer, Minister of Foreign Affairs, to conduct the negotiations and to sign the treaty.

Considering the significance of the peaceful coexistence of the German Democratic Republic and the Federal Republic of Germany, I suggest that the negotiations open in January 1970 if the circumstances allow this.

I express the hope that Your Excellency will, like myself, act in favour of fair negotiations leading to the establishment between the two German states of relations based on equal rights and guided by the principles of international law.

Very respectfully yours
W. Ulbricht

Letter addressed by Dr Gustav Heinemann, Federal President of the Federal Republic of Germany, to Walter Ulbricht, Chairman of the Council of State of the German Democratic Republic, on 19 December 1969

Bonn, 19 December 1969
The Federal President

Herr Walter Ulbricht,
Chairman of the Council of State
of the German Democratic Republic,
Berlin

Mr. Chairman of the Council of State,
I herewith acknowledge receipt of your letter dated 17 December 1969. I agree with you in that we bear a high degree of responsibility for a relaxation of tension in Europe. I too feel bound to promote the safeguarding of peace, détente and cooperation, which also applies to the Federal Government. It is our joint mission to preserve the unity of the German nation. I have therefore noted with satisfaction that you are prepared to enter into negotiations.

In conformity with the provisions of the Basic Law of the Federal Republic of Germany, I have handed your letter and the document attached to it over to the Federal Government, upon whom it devolves to examine the proposals you have submitted and to handle the matter with the promptness it requires.

Very respectfully yours
Heinemann

**Statement made by Dr Rudolf Agsten,
Chairman of the Foreign Affairs Committee
of the German Democratic Republic,
on 17 December 1969**

In its session yesterday the Foreign Affairs Committee of the People's Chamber received a report by Otto Winzer, Minister of Foreign Affairs of the German Democratic Republic, on the meeting of leading personalities of fraternal Socialist countries which was held in Moscow on 3 and 4 December 1969.

The Foreign Affairs Committee proceeds from the point of view that the Moscow meeting and the results of the discussions are of the greatest importance for the further development of political collaboration and the joint action of the allied Socialist countries. The discussions conducted in a spirit of consolidation of the unity of the Socialist community of states were extraordinarily useful and politically fruitful. Its results represent—as stated in the 12th session of the Central Committee of the Socialist Unity Party of Germany (SED)—a new constructive initiative on the part of the Socialist countries in the struggle for peace, security in Europe and the whole world and for international disarmament.

The discussion on the development of the international situation and especially of developments in West Germany after the formation of the new coalition government showed that the joint action of the countries of the Warsaw Treaty on the basis of the decisions of Bucharest, Warsaw, Karlov Vary and Budapest has fully stood the test. In this connection it was emphasized in the Committee that the countries taking part in the meeting will, as is stated in the communiqué, also in future consult on the most important problems of international life in order to implement joint actions in the struggle for peace and security in a coordinated way.

The Committee also devoted its attention in its session yesterday to the situation which has developed after the formation of the SPD/FDP government in West Germany, and discussed in detail the questions arising out of it for bringing about peace and security in Europe.

The political changes in the West German Federal Republic are not to be assessed as a change in power, but as a change in government.

Considerable discrepancies are now noticeable between the former and present speeches and declarations of government representatives and their actual policy.

In his first government declaration Federal Chancellor Willy Brandt stressed the continuity of the previous foreign policy. In this connection he referred especially to ex-Chancellor Ludwig Erhard's so-called peace note of March 1966 in which all basic elements of the revanchist policy from the demand for the 1937 frontiers to the claim to represent the whole of Germany alone are set forth.

If one examines the words of the new Bonn government in the light of its former deeds it is seen that the main aim of the Bonn foreign policy is obviously the continued isolation of the GDR from its allies, the penetration of the Socialist countries, primarily with economic and ideological means, and the splitting of the Socialist community of states.

This continuity in foreign policy is particularly shown in the rejection of the recognition of the GDR in international law, in the continuation of the sole representation policy with slight changes in formulation and the retention of the Hallstein doctrine as well as the intensified intervention against any development of international relations by the GDR, for example, with Guinea, Sierra Leone, Chile, Peru, India, etc.

Now as before the political and territorial status quo in Europe is not recognized by the Brandt government. The annexationist efforts concerning West Berlin are being continued. The continuity of the West German foreign policy is among other things also expressed in the continuation of the NATO policy, the conceded efforts of the Brandt-Scheel government to obtain joint control over nuclear weapons and in the persistence on the armament of the Bundeswehr with carrier weapons.

West German propaganda seeks to give the impression that the Hallstein doctrine no longer exists. On the other hand, however, it becomes clear that the West German government is making the greatest efforts in countries on all continents to prevent the further recognition of the GDR in international law by third countries. The SPD/FDP government in reality is greatly intensifying its pressure on capitalist countries and especially on the developing countries in the direction of not recognizing the GDR and of late is again linking this intervention with the threat of reprisals by the West German Federal Republic.

With his three sets of instructions to the Bonn foreign representations the new West German foreign minister has continued the intervention

conducted by his predecessor. The new West German government must finally abandon its attempts to intervene in violation of international law in the GDR's relations with other countries and stop damaging the interests of our republic and its citizens.

The participants in the Moscow meeting are working—as the communiqué states—to ensure that relations between all countries are developed and expanded in accordance with the principles of equal rights, non-intervention in internal affairs, respect for sovereignty, territorial integrity and the inviolability of the existing frontiers. They are resolved, the communiqué continues, to develop relations with the other European countries which are prepared to cooperate in accordance with these principles.

The West German government rejects—although it can no longer deny the existence of two German states—the recognition of the GDR in international law, now as before, and it has addressed to the GDR no concrete proposals for negotiations on the basis of international law, that is, on the basis of real equality of rights and nondiscrimination.

In this sense Foreign Minister Scheel stated in the Bundestag debate on the government declaration in a reply to Deputy Kurt Birrenbach (CDU):

"You always say that we recognize the sovereignty of the GDR in international law. That is not said in our government declaration. Just the opposite is said."

The sole representation pretension is only modified by the formulation "two states in Germany", but by no means abandoned. Since the GDR is expressly denied the status of a subject of international law, the Federal Republic maintains that it is the state which represents "Germany", whereas the GDR is to be a state of lesser quality. The GDR is to be a kind of "internal German" state for the Federal Republic. However, the GDR was and is no part of the Bonn inland, but the sovereign Socialist German state.

The participants in the Moscow meeting therefore expressly confirmed their attitude that the interests of peace and security require that all countries take up relations based on equality and international law with the German Democratic Republic. That was stated in detail and very convincingly at the 12th session of the Central Committee of the SED and especially in the speech of Walter Ulbricht, its First Secretary and Chairman of our Council of State.

One must therefore start from the real fact that the former German Reich collapsed on 8 May 1945 and that two sovereign German states have developed, one as a Socialist state, the other as a state of late capitalism. The GDR and the Federal Republic are two sovereign states, independent of each other and recognized in international law which have existed alongside each other for more than 20 years. Their relation and normal interstate collaboration can therefore be developed only when they are free of any discrimination. The GDR, which pursues a consistent policy of genuine relaxation of tension, peace and security in Europe, demands that the West German Federal Republic engage in negotiations on a basis of equality with the purpose of arranging reciprocal relations in accordance with international law.

The normalization of relations between the GDR and the Federal Republic is of far-reaching significance for international politics and particularly the security of our continent. This would end the anomalous relationship existing between the two German states which is conditioned by the hostile attitude of the Federal Republic towards the GDR and open up a new chapter of relations based on international law between the two sovereign states serving peace and security. The United Nations Charter as well as the other fundamental documents of international law would at long last be applied to relations between the GDR and the West German Federal Republic. It is high time the new West German government gave up its policy of obstructing peace and security in Europe and took a realistic approach to the questions of European security. This includes the understanding of the fact stressed by the Chairman of the Council of State that there is no road leading to the solution of all-European questions which by-passes the GDR.

The significance of the normalization of relations between the GDR and the West German Federal Republic, therefore, goes far beyond the arrangement of the relationship between these two German states. In view of the strained relations, resulting at present from the efforts of the West German government to deny that the GDR is a subject in international law and not to apply the norms usual in relations between sovereign countries to the relations between the two German states, the conclusion of an agreement binding in international law would greatly contribute to finally passing over from the confrontation of states with differing social systems to good neighbourly relations and cooperation on the basis of equality. It is as clear as daylight that an

important step would thus be taken on the road to ensuring peace and security in Europe. This would be a material contribution which the two German states could make towards solving the many complicated European problems.

As a result of this fundamental discussion of all questions which are connected with the interests of European security and the relations between the two German states the Foreign Affairs Committee of the People's Chamber submits the draft decision presented to you which is based on the fundamental ideas which I have just set forth. The draft decision envisages that the Council of State and the Council of Ministers of the German Democratic Republic, faithful to the constitutional mission, will do everything possible to ensure that war can never again start from German soil, and will introduce the necessary steps in the interest of guaranteeing peace and international security in order to arrive at a normalization of relations between the German Democratic Republic and the Federal Republic of Germany on the basis of the principles of equal rights, respect for sovereignty and territorial integrity and non-interference in internal affairs. Relations of peaceful coexistence between the socially different German states would thereby be brought about. That would at the same time be in the interest of an all-European peace, and the security of all states and peoples.

DECISION
of the Fifteenth Session of the People's Chamber
of the German Democratic Republic on the Report Given
by the Chairman of the Foreign Affairs Committee
of the People's Chamber, 17 December 1969

The People's Chamber of the German Democratic Republic approves the report given by the Chairman of the Foreign Affairs Committee on the session the Committee held on 16 December 1969.

The People's Chamber of the German Democratic Republic appreciates the results of the Moscow Meeting of leading personalities of fraternal Socialist countries as a new significant peace initiative which gives the struggle for security and relaxation in Europe a new big impetus.

The People's Chamber of the German Democratic Republic confirms, in full agreement with the stipulations of the Moscow Meeting, the point of view that the interests of peace and security require that all states take up relations based on equality and international law with the German Democratic Republic. The safeguarding of peace demands that all states recognize the state frontiers existing in Europe, including the state frontier between the German Democratic Republic and the Federal Republic of Germany and the Oder-Neisse frontier as final and inviolable.

The German Democratic Republic works for relations with the Federal Republic of Germany on the basis of peaceful coexistence which are regulated and ensured by agreements valid in international law.

The People's Chamber of the German Democratic Republic charges the Council of State and the Council of Ministers of the German Democratic Republic with introducing the necessary measures.
Berlin, 17 December 1969

signed: G. Götting
President of the People's Chamber
of the German Democratic Republic